

REMARKS

In response to the Office Action mailed December 27, 2007, Applicant respectfully requests reconsideration. To advance the prosecution of the application, amendments have been made in the claims and the following remarks are provided.

Claim Objections

Claim 23 was objected to because of an informality (an extraneous "at" in the second line of the claim). Claim 23 is amended herein to address the informality. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §112

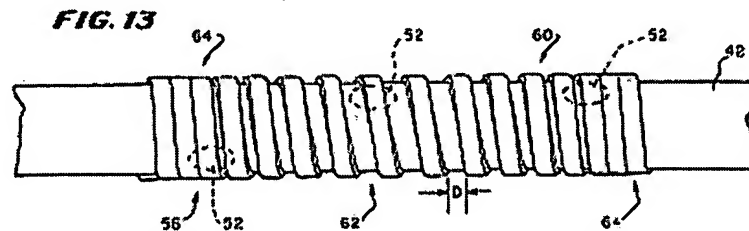
Claims 16-24 under 35 U.S.C. §112 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner noted that the term "the conductor" in claim 16 was without antecedent basis.

Claim 16 has been amended to replace "the conductor" with "the electrode." Accordingly, withdrawal of the rejection of claims 16-24 under 35 U.S.C. §112 is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1 and 9 (of which claim 1 is independent) were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Pat. No. 6,030,382 to Fleischman et al. ("Fleischman"). Without acceding to the propriety of these rejections, claim 1 has been amended to more clearly distinguish over Fleischman.

The Examiner was reading the “first end portion” recited in claim 1 on zone 62 of Fleischman (Fig. 13, reproduced below) and the “middle portion” recited in claim 1 on zone 64 of Fleischman (also Fig. 13).



Claim 1 has been amended to preclude such a reading, and thereby obviate the rejection. Accordingly, withdrawal of the rejections of claim 1 and claim 9, which depends from claim 1, is respectfully requested.

Rejections Under 35 U.S.C. §103

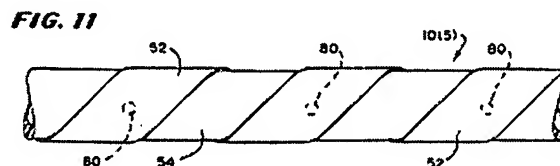
Claim 8 was rejected under 35 U.S.C. §103(a) as being obvious over Fleischman and further in view of U.S. Pat. No. 6,090,104 to Webster, Jr. ("Webster"), and claims 16-24 and 35 (including independent claims 16 and 35) were rejected under 35 U.S.C. §103(a) as being obvious over Fleischman in view of US Pat. No. 5,582,609 to Swanson et al. ("Swanson"). Without acceding to the propriety of these rejections, independent claims 1 and 35 have been amended to more clearly distinguish over Fleischman.

In particular, as with claim 1, the Examiner was reading the “first end portion” recited in the claims (or simply the “end portion,” in the case of claim 35) on zone 62 of Fleischman and the “middle portion” on zone 64 of Fleischman. Independent claims 16 and 35 have has been amended to preclude such a reading.

Further, Applicant respectfully traverses the assertion that “Swanson teaches a tissue-ablating electrode (52, Fig. 11) mounted on a shaft (54) having at least one energy emitting area configured in a shape other than a coil (ribbon 52, column 8 lines 38-42)” (Office Action at page 6).

Ribbon 52 is clearly coil-shaped¹, as explained in the cited passage of column 8 (referencing Fig. 11, reproduced below):

FIG. 11 shows another implementation of a generally flexible element, designated element 10(5). The element 10(5) comprises a ribbon 52 of electrically conductive material wrapped about a flexible body 54. The ribbon 52 forms a continuous, inherently flexible electrode element.



In particular, ribbon 52 is shown and described as being wrapped about body 52 to form a continuous electrode element. Thus, Applicant respectfully submits that ribbon 52 is, in fact, coil-shaped.

In view of the foregoing, withdrawal of the rejections of independent claims 16 and 35, and dependent claims 17-24, is respectfully requested.

¹ One exemplary definition of the term "coil," from The American Heritage® Dictionary of the English Language is "a series of connected spirals or concentric rings formed by gathering or winding; *a coil of rope; long coils of hair.*" ["coil." *The American Heritage® Dictionary of the English Language, Fourth Edition.* Houghton Mifflin Company, 2004. 27 Mar. 2008. <Dictionary.com <http://dictionary.reference.com/browse/coil>>.]

CONCLUSION


It is respectfully believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify any concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: March 27, 2008

Respectfully submitted,

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